

**All-party meeting on Women's Reservation Bill**

4044. SHRI NANA DESHMUKH: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether an all-party meeting on the Women's Reservation Bill convened on 12th March, 2001, was held;

(b) if so, the decisions taken in the meeting; and

(c) if not, by when the meeting is likely to be held?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) No, Sir.

(b) Does not arise.

(c) The Bill was listed for consideration and passing in the Lok Sabha on 21.12.2000 and 22.12.2000 during the Winter Session, 2000, but could not be considered. A notice for consideration and passing of the said Bill was given on 19.2.2001 during the current session also. Thus the Government has been making sincere efforts to debate and discuss the Bill in the Houses of Parliament and to evolve consensus among all the Political Parties. However, consensus has continued to elude. The Government has done its duty by introducing the necessary legislation and it has an open mind on any suggestions which may come from the Hon'ble Members, including convening of any meeting of political parties in this regard.

**Recommendations on state funding of elections**

4045. SHRI K.B. KRISHNAMURTHY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) to what extent the recommendations of Dinesh Goswami Committee on Electoral Reforms have been implemented;

(b) whether the Indrajit Gupta Committee, which later went into examining the electoral reforms with specific reference to State funding of elections, has recommended partial State funding of elections;

(c) whether Government have examined the recommendations and sought the Election Commission's views; and

(d) if so, the status of the report?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) A Statement is laid on the Table of the House (*see below*).

(b) to (d) Yes, Sir. The Committee on State Funding of Elections (Indrajit Gupta Committee), in its report presented to the Government on 14.1.1999, has, *inter alia*, recommended partial State funding of elections, in kind only, to recognised political parties and candidates set up by them. The various recommendations of the Committee are being examined by the Government in consultation with the Election Commission, State Governments/Union Territory Administrations and concerned Ministries/Departments in the Central Government. So far, the comments/views of the Ministry of Communications, Ministry of Information & Broadcasting, Ministry of Urban Affairs & Employment, Ministry of Finance, the Election Commission of India, 19 State Governments and all the 7 Union territories are available. The remaining State Governments have been reminded to expedite their comments/views in this regard. It had become necessary to ascertain views of the State Governments since Rs.600 crores will have to be contributed by them towards partial funding of elections and to provide other facilities to the political parties as recommended by Indrajit Gupta Committee.

#### **Statement**

*Gist of main recommendations of the committee on electoral reforms (Dinesh Goswami Committee) and their present status:*

1. The Election Commission of India should be a three-member body. [Implemented by the Presidential Notification dated 1st October, 1993]
2. The appointment of Chief Election Commissioner should be in consultation with the Chief Justice of India and the Leader of the opposition. The Chief Election Commissioner should be consulted for appointment of other Members. [The Constitution (Seventieth Amendment) Bill, 1990 contained a provision regarding appointment of Chief Election Commissioner and other Election Commissioners by

the President in consultation with Chairman of the Rajya Sabha, the Speaker of the Lok Sabha and the Leader of the Opposition in the Lok Sabha, which, however, lapsed.]

3. The tenure of the Chief Election Commissioner and other Election Commissioner should be for a term of five years or sixty-five years of age, whichever is later and they should in no case continue in office beyond sixty-five years and for more than ten years in all. [The Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Act, 1993 provides that the tenure of the Chief Election Commissioner and other Election Commissioners would be for six years or sixty-five years of age whichever is earlier.]

4. The Chief Election Commissioner and the Election Commissioners should be made ineligible not only for any appointment under the Government but also to any office including the office of Governor. [The Constitution (Seventieth Amendment) Bill, 1990 contained a provision in this regard, which, however, lapsed.)

5. A fresh delimitation on the basis of 1981 census. Rotation of seats reserved for Scheduled Castes. [Two Bills, namely, the Constitution (Seventy-first Amendment) Bill, 1990 and the Constitution (Eightieth Amendment) Bill, 1996 were introduced in Parliament, which were based on the recommendations of the Committee. The former, though passed by the Rajya Sabha and referred to the Lok Sabha, was later withdrawn and the latter bill lapsed on dissolution of the House (Lok Sabha). The Government has again introduced the Constitution (Ninety-first Amendment) Bill, 2000 in the Lok Sabha on 27.11.2000 which seeks to extend the existing constitutional embargo on undertaking readjustment of electoral constituencies upto the year 2026 as also to undertake readjustment and rationalization of the constituencies, including those reserved for the Scheduled Castes and the Scheduled Tribes, based on the population census for the year 1991, without altering the number of seats allocated to States in the Lok Sabha and State Legislative Assemblies. So far as the issue of rotation of reserved constituencies is concerned, the Constitution (Seventy-first Amendment) Bill, 1990 contained a provision in this

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regard but the Select Committee of Parliament, which considered the Bill, was of the view that there was no need for such a specific provision as Parliament under article 327 was competent to enact a law for rotation of seats. The present Bill also does not contain a provision in this regard in view of lack of political consensus, which was reflected in the meeting of political parties held on 13.5.2000 to consider the issue of fresh delimitation of constituencies and other allied issues.]

6. Introduction of multi-purpose photo identity cards. [The scheme of issuance of photo identity cards to voters has been accepted by Government. Multi-purpose use of these cards has been allowed. The Election Commission is in overall charge of the scheme. So far, 63.48% of electors all over the country have been issued these Cards.]

7. No individual to be allowed to contest from more than two constituencies. [Implemented by the Representation of the People (Amendment) Act, 1996]

8. Non-serious candidates to be discouraged. Security deposit of independent candidates to be raised. [Implemented by the Representation of the People (Amendment) Act, 1996]

9. Forfeiture of security deposit for failure to secure less than 1/4th of the votes polled. [The Representation of the People (Second Amendment) Bill, 1994 contained a provision in this regard, which, however, lapsed.]

10. Statutory backing for important provisions of model code of conduct. [The Election Commission, which was also insisting on this measure, does not consider it necessary any Wore.]

11. Use of electronic voting machines in all future elections. [Specific provision was inserted in March, 1992 in the Representation of the People Act, 1951 to empower the Commission to use Electronic Voting Machines at elections. Use of Electronic voting Machines in selected constituencies was made during Assembly Elections held in November, 1998 onwards. The Election Commission had purchased 1.5 lakh Electronic Voting Machines in 1989-90. Recently, the Government has allocated Rs.150 crores for purchase of additional Electronic Voting Machines, out of which amount the Election

Commission has purchased 13,38,000 machines. According to the Election Commission of India, which is in overall charge of the scheme of Electronic Voting Machines, it has decided to use the Electronic Voting Machines in the future elections as widely as possible.]

12. A series of legislative measures to be undertaken to eradicate booth capturing, rigging and intimidation of voters. [Implemented by the Representation of the People (Amendment) Act, 1996]

13. State funding in kind to a limited extent to recognised political parties, to begin with. [The Representation of the People (Amendment) Bill, 1990 contained a provision to provide limited state funding on the lines recommended by the Committee, which, however, lapsed. The Government constituted the Committee on State Funding of Elections (the Indrajit Gupta Committee) in this regard, which submitted its report to the Government in January, 1999. The recommendations of this Committee are under examination in the Legislative Department in consultation with the State Governments/ Union Territory Administrations, the Election Commission of India, different concerned Ministries/Departments in the Central Government, etc. The issue is also under examination by the National Commission to Review the Working of the Constitution.]

14. Plying of automobiles, carrying of firearms, sale and distribution of liquor on poll day to be electoral offences. [Implemented by the Representation of the People (Amendment) Act, 1996]

15. Disqualification under Anti-defection law to be restricted to voluntary resignation and voting or abstention against party whip only in the case of vote of confidence, money bill or vote of thanks to the President. President or Governor to decide the issue of disqualification after obtaining the Election Commission's opinion. [The issue is at present under examination by the National Commission to Review the Working of the Constitution.]

16. Constitution of an Expert Committee to go further into the question of change of the present electoral system. [The issue is at present under examination by the National Commission to Review the Working of the Constitution.]

17. A standing Committee to the Parliament to go into all electoral matters. The general issue relating to electoral reforms is under examination by the National Commission to Review the Working of the Constitution.]

18. The expenditure of the Commission should continue to be 'voted\*'. [As the expenditure of the Commission continues to be \* voted', no action is deemed necessary.]

19. Punishment for breach of official duty in connection with preparation, revision, etc., of electoral roll to be made more stringent. [Implemented by the Representation of the People (Amendment) Act, 1996]

20. Candidates of recognised political parties to be arranged above other candidates in the ballot paper. [Implemented by the Representation of the People (Amendment) Act, 1996]

21. Statutory status to Commission's observers and empowering them to stop counting of votes in certain situations. [Implemented by the Representation of the People (Amendment) Act, 1996]

22. Empowering Election Commission to countermand an election or order a re-poll in entire constituency or part thereof even otherwise than on a report from the Returning Officer. [The Representation of the People (Amendment) Bill, 1990 and the Representation of the People (Second Amendment) Bill, 1994 contained provisions in this regard, which, however, lapsed.]

23. Amplification of offence of booth capturing, making it cognizable and more stringent for Government servants. [Implemented by the Representation of the People (Amendment) Act, 1996]

24. Bye-elections should be held within a period of six months of the occurrence of the vacancy. [Implemented by the Representation of the People (Amendment) Act, 1996]

25. No countermanding of an Election in case of death of an independent candidate. [The Representation of the People

(Amendment) Act, 1996 provides for non-countermanding of an election in case of death of any candidate.)

26. Enhancement of punishment for disturbances at election meetings. [Implemented by the Representation of the People (Amendment) Act, 1996]

27. Prohibition of public meetings or procession in connection with an election during a period of 48 hours ending with hour fixed for the conclusion of the poll. [Implemented by the Representation of the People (Amendment) Act, 1996]

28. Enhancement of the penalty for illegal hiring or procuring of conveyances for free conveyance of the voters to any polling station. [Implemented by the Representation of the People (Amendment) Act, 1996]

29. Prohibition on any person other than authorized persons going armed within the neighbourhood of polling station. [Implemented by the Representation of the People (Amendment) Act, 1996]

30. Amendment to section 135 of the Representation of the people Act, 1951. [Implemented by the Representation of the People (Amendment) Act, 1996]

31. Grant of paid holiday to employees of any industrial undertaking or establishment on the day of poll. [Implemented by the Representation of the People (Amendment) Act, 1996]

32. No spiritous, fermented or intoxicating liquors or other substances to be sold, given or distributed at a hotel, eating house, etc. within a polling area on a polling day. [Implemented by the Representation of the People (Amendment) Act, 1996]

33. Conviction under section 2 and 3 of the prevention of Insults to National Honour Act, 1971 to lead to disqualification for a period of six years from the date of such conviction. [Implemented by the Representation of the People (Amendment) Act, 1996]

34. Restoration of section 77 of the Representation of the People Act, 1951 to the pre-1974 position by (i) amending the section with a view that the period of accounting of election expenses should be

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between the date of notification of the election and the date of declaration of the result of the election; (ii) deletion of 'Explanation 1' thereof, in respect of inclusion of expenses incurred by a political party, etc. in the election expenses of a candidate; and (iii) by deletion of 'Explanation 3' thereof. {The Representation of the People (Amendment) Bill, 1990 contained a provision in this regard, which, however, lapsed.]

#### **Ratio/number of Judges**

4046. SHRI BRATIN SENGUPTA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) the ratio/number of judges per 10 lakh population in the country and other countries, separately;
- (b) the total number of judges/judicial officers at present in the Supreme Court, High Courts and Lower Courts in the country;
- (c) the number of posts vacant, till date;
- (d) the number of days courts remain closed in a year;
- (e) the number of cases pending in the courts; and
- (f) the rationale behind enjoying about six months leave by the courts while the pending cases are piling up?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) As per 120th report of Law Commission of India, the ratio of judges per million population in India and some of the developed countries is as given below:

India	10.5 judges
Australia	41.6 judges
Canada	75.2 judges
England	50.9 judges
US	107.0 judges

(b) and (c) As on 1/4/2001, there were 24 judges in position in the Supreme Court of India, leaving 2 vacancies to be filled. In the High Courts, there were 465 judges in position, leaving 133 vacancies to be filled up. In addition, there are 49 newly created posts of judges in the High Courts. As on 1st June, 2000, there were 10,705 judges in